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APPLICATION NO.	FI	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/665,899	09/665,899 09/20/2000		Masayoshi Iwase	10517/74	6300	
23838	7590	11/01/2004		EXAM	EXAMINER	
KENYON 1500 K STI		ON 7., SUITE 700	MERCADO,	MERCADO, JULIAN A		
WASHINGTON, DC 20005				ART UNIT	PAPER NUMBER	
				1745		

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	-	Ар	plication No.	Applicant(s)	
		09	/665,899	IWASE ET AL.	
	Office Action Sumn	nary Ex	aminer	Art Unit	
	·	Juli	ian Mercado	1745	
Dovin d 6	The MAILING DATE of this o	,			dress
A SH	OR REPLY HORTENED STATUTORY PE		SET TO EXPIRE 3 I	MONTH(S) FROM	
- External e	MAILING DATE OF THIS CO ensions of time may be available under the r SIX (6) MONTHS from the mailing date of e period for reply specified above is less the Diperiod for reply is specified above, the mailer to reply within the set or extended perion reply received by the Office later than three led patent term adjustment. See 37 CFR 2	provisions of 37 CFR 1.136(a). f this communication. an thirty (30) days, a reply within aximum statutory period will app of for reply will, by statute, cause e months after the mailing date of	the statutory minimum of the ly and will expire SIX (6) MO the application to become A	irty (30) days will be considered timely NTHS from the mailing date of this co	mmunication.
Status					
1)[Responsive to communication	on(s) filed on <i>18 May 20</i>	004.		
	This action is FINAL.	2b)⊠ This actio			
	Since this application is in co	<i>,</i> —		tters, prosecution as to the	merits is
	closed in accordance with th				
Disposit	ion of Claims				
	Claim(s) <u>1,3-5,7,8,10-12,14-</u>	16.18.20.22.24.26 and	28-31 is/are pending	n in the application	
	4a) Of the above claim(s)			g in the application.	
	Claim(s) <u>20, 22, 24, 26, 28-3</u>		m consideration.		
	Claim(s) <u>1,3-5,7,8,10,14-16</u>	-			
	Claim(s) <u>11, 12, 14</u> is/are obj				
	Claim(s) are subject to		tion requirement.		
	ion Papers				
	The specification is objected t	o by the Everniner			
		-	or b) [] abicated to	hadha Farani'a a	•
10)	The drawing(s) filed on				
	Applicant may not request that a				
11)	Replacement drawing sheet(s) in The oath or declaration is obje				
	ınder 35 U.S.C. § 119	-			
	Acknowledgment is made of a	claim for foreign priori	tv under 35 U.S.C. 8	\$ 119(a)-(d) or (f)	
_	☐ All b) ☐ Some * c) ☐ Nor		.,	5 · · • (a) (a) or (i).	
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	2. ☐ Certified copies of the			unnlication No. 00/216 779	
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3) 🔲 Inform	nation Disclosure Statement(s) (PTO-		5) 🔲 Notice of Ir	nformal Patent Application (PTO-1	52)
Paper S. Patent and Tra	No(s)/Mail Date		6)		
TOL-326 (Re		Office Action Su	ımmarv	Part of Paper No /Mail Date	20041025

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2004 has been entered.

Claims 1,3-5, 7, 8, 10-12, 14-16, 18, 20, 22, 24, 26 and 28-31 are pending.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on May 18, 2004 and December 24, 2003 have been considered by the examiner.

The IDS submitted July 23, 2004 has been considered in-part by the examiner.

Document "B" is a duplicate citation and has therefore been "lined through". Documents "F" and "H-N" are absent from the file. Additionally, citation of these documents without its accompanying translation, English-language abstract or statement of relevance is not in compliance with MPEP 609. Applicant is requested to provide copies of the foreign references and any related documents for the examiner's consideration.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7, 8, 10, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dews et al. (U.S. Pat 3,801,374)

Claim 1 is an independent claim. Regarding claim 1, Dews et al. teaches a fuel cell comprising a joint body [10-14], a separator [18] having a plurality of projections [22] extending across its width, wherein a gas supply inlet [28] enters into a first plurality of regions in a direction parallel to a longitudinal axis thereof. (Figures 1 and 2, col. 2 line 10-35) With respect to claims 2 and 11, as seen in Figure 2, the gas flow is in a "serpentine" direction, thus the direction of gas flow in the second middle region differs from the first region. The separator has rib portions [46]. (col. 3 line 8, applies to claims 4 and 5) As seen in Figure 2, the middle region, being twice the width of the first region, naturally has a different number of projections. (applies to claim 15) The middle region, in a relative sense, is "near" the inlet portion [28] of the fluid passage, thus the middle region has a greater number of projections than the outlet portion [30]. (applies to claim 16, the examiner notes that the term "near" has been given its broadest reasonable interpretation of proximity and not necessarily adjacency)

With respect to claim 8, the first turning section shown by Dews et al. is approximately two projections wide. (refer to Figure 2) It can also be seen that the middle fluid passage is four projections wide. Thus, the width of the turning section is narrower (by two projections) than the

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width of the middle fluid passage (of note, corresponding to the aforementioned second middle region).

Regarding claims 3, 7, 10, 14, and 18, Dews et al. teaches a cooling portion of the separator having similar projections defining chambers [44] for passage of coolant. (col. 2 line 31-35) The cooling plate is coextensive with the separator body insofar as the "bottom" of the cooling plate is coextensive with the separator "top". The portion of Dews et al. readable on the claimed cooling plate is relied upon to the extent that the claims merely recite a "top" of the separator which therefore does not limit the claim to mutually separable separator and cooling plate bodies.

Allowable Subject Matter

Claims 20, 22, 24, 26, and 28-31 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding each of the plurality of regions being narrower in width than the width of its immediately upstream region.

Claims 11, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 11 would be allowable in that the prior art does not teach or suggest a width of each of the regions being different. Claim 12 would be allowable in that the prior art does not teach or suggest a width of the regions near the inlet portion of the fluid passage being wider than the width of the regions near the outlet portion of the fluid passage. Claim 14 would be allowable by virtue of its dependency from claim 12.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Viam

Patrick Byan SBE-AU1740